

2651

2015-2016 Regular Sessions

I N   S E N A T E

January 27, 2015

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Introduced by Sen. PANEPINTO -- read twice and ordered printed, and when printed to be committed to the Committee on Commerce, Economic Development and Small Business

AN ACT to amend the economic development law and the state finance law, in relation to certain requirements for and restrictions on economic development grant recipients

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. This act shall be known and may be cited as the "jobs  
2     protection act".  
3     S 2. Subdivision 19 of section 100 of the economic development law is  
4     amended by adding a new paragraph (c) to read as follows:  
5     (C) TO ADOPT REGULATIONS IN ACCORDANCE WITH SECTION ELEVEN-A OF THE  
6     STATE FINANCE LAW, TO ESTABLISH THE TERMS AND CONDITIONS OF REPAYMENT,  
7     INCLUDING SPECIFYING THE CONDITIONS UNDER WHICH REPAYMENT MAY BE  
8     DEFERRED, FOLLOWING A DETERMINATION BY THE COMMISSION OF A LEGITIMATE  
9     HARDSHIP.  
10    S 3. The state finance law is amended by adding a new section 11-a to  
11    read as follows:  
12    S 11-A. REQUIREMENTS FOR ECONOMIC DEVELOPMENT GRANT RECIPIENTS.     1.  
13    ANY PERSON OR BUSINESS ORGANIZATION THAT RECEIVES AN AWARD OR GRANT  
14    THROUGH ANY ECONOMIC DEVELOPMENT PROGRAM, WHERE SUCH AWARD OR GRANT ALSO  
15    REQUIRES THE CREATION OF JOBS, SHALL NOT REDUCE THE NUMBER OF EMPLOYEES  
16    WHO WERE EMPLOYED WITHIN THE STATE AT THE TIME SUCH PERSON OR BUSINESS  
17    ORGANIZATION ACCEPTED THE FINANCIAL ASSISTANCE FOR FIVE YEARS AFTER  
18    RECEIVING SUCH ASSISTANCE OR DURING THE TERM OF THE AWARD OR GRANT,  
19    WHICHEVER IS LONGER, UNLESS THE FULL AMOUNT OF ASSISTANCE IS REPAYED TO  
20    THE STATE AND A PENALTY EQUAL TO FIVE PERCENT OF THE TOTAL ASSISTANCE  
21    RECEIVED IS PAID TO THE STATE. AS USED IN THIS SECTION, THE TERM "BUSI-  
22    NESS" SHALL INCLUDE ANY DIVISION OF A BUSINESS OR SUBSIDIARY INSTITUTION  
23    CONTROLLED, DIRECTLY OR INDIRECTLY, BY ANOTHER INSTITUTION.

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [ ] is old law to be omitted.

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1 2. THE COMMISSIONER OF ECONOMIC DEVELOPMENT SHALL CONSULT WITH THE  
2 COMMISSIONER OF THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION TO DETER-  
3 MINE WHETHER AN APPLICANT FOR AN ECONOMIC DEVELOPMENT GRANT HAS BEEN  
4 FOUND TO BE IN VIOLATION OF ANY LAWS, RULES OR REGULATIONS OF THE  
5 DEPARTMENT.

6 3. NO APPLICANT SHALL BE AWARDED AN ECONOMIC DEVELOPMENT GRANT IF SUCH  
7 APPLICANT HAS BEEN FINED MORE THAN TEN THOUSAND DOLLARS, IN THE AGGRE-  
8 GATE, FOR VIOLATIONS BY THE OCCUPATIONAL SAFETY AND HEALTH ADMINIS-  
9 TRATION WITHIN THE TEN YEARS PRECEDING THE TIME OF APPLICATION.

10 4. APPLICANTS FOR ECONOMIC DEVELOPMENT GRANTS SHALL PROVIDE THE  
11 FOLLOWING INFORMATION IN CONNECTION WITH ANY APPLICATION: (A) NUMBER AND  
12 TYPES OF FULL-TIME AND PART-TIME EMPLOYEES OF THE APPLICANT AND MEDIAN  
13 ANNUAL WAGE AND BENEFIT LEVELS BY JOB CLASSIFICATION; (B) IF APPLICABLE,  
14 THE NUMBER AND TYPES OF FULL-TIME AND PART-TIME JOBS ORIGINALLY COMMIT-  
15 TED, AS PER AGREEMENT WITH AWARD REQUIREMENTS, AND MEDIAN ANNUAL WAGE  
16 AND BENEFIT LEVELS BY JOB CLASSIFICATION; (C) NUMBER OF FULL-TIME AND  
17 PART-TIME JOBS RETAINED TO DATE; (D) NUMBER OF FULL-TIME AND PART-TIME  
18 TEMPORARY CONSTRUCTION JOBS CREATED BY APPLICANT TO DATE; (E) NUMBER OF  
19 FULL-TIME AND PART-TIME NON-CONSTRUCTION JOBS CREATED BY APPLICANT TO  
20 DATE; (F) MEDIAN ANNUAL WAGE AND BENEFIT LEVELS BY JOB CLASSIFICATION OF  
21 FULL-TIME AND PART-TIME, CONSTRUCTION AND NON-CONSTRUCTION JOBS CREATED  
22 AND RETAINED TO DATE; (G) ACTUAL DATE OF HIRE FOR CONSTRUCTION AND NON-  
23 CONSTRUCTION JOBS; (H)(1) NUMBER AND PERCENT OF TOTAL JOBS CREATED TO  
24 DATE OF NEW YORK RESIDENTS, SEPARATED BY CONSTRUCTION AND NON-CONSTRUC-  
25 TION EMPLOYEES; (2) NUMBER AND PERCENT OF TOTAL JOBS CREATED TO DATE OF  
26 LOCAL RESIDENTS, DEFINED AS THOSE RESIDING WITHIN THE METROPOLITAN  
27 STATISTICAL AREA (MSA), MICROPOLITAN STATISTICAL AREA (MISA), OR COUNTY  
28 NOT WITHIN AN MSA OR MISA, IN WHICH A PROJECT OCCURS, SEPARATED BY  
29 CONSTRUCTION AND NON-CONSTRUCTION EMPLOYEES; (I) RECIPIENT USE OF UNION  
30 CONSTRUCTION APPRENTICESHIP PROGRAMS OR ANY OTHER LOCAL WORKFORCE DEVEL-  
31 OPMENT PROGRAM, ORIGINAL AND TO DATE; (J) WHETHER OR NOT THE APPLICANT  
32 COMPLIED WITH EACH ASPECT OF THE STATE SMART GROWTH PUBLIC INFRASTRUC-  
33 TURE POLICY ACT; (K) THE BENCHMARKS FOR THE CURRENT REPORTING YEAR; (L)  
34 WHETHER OR NOT THE APPLICANT HAS MET EACH BENCHMARK AND IF NOT, THE  
35 FINANCIAL ASSISTANCE AMOUNT THE STATE HAS RECAPTURED DURING THE CURRENT  
36 YEAR AND TO DATE; AND (M) WHETHER THE APPLICATION HAS A SUBSIDY RECAP-  
37 TURE PROVISION.

38 S 4. This act shall take effect immediately.